

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

CHAIRMAN
Thomas B. Getz

COMMISSIONERS
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Clifton C. Below

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

February 29, 2008

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429



Re: DG 07-101 EnergyNorth Natural Gas, Inc. d/b/a KeySpan Energy Delivery
New England
Petition for Approval of a Firm Transportation Agreement with Tennessee
Gas Pipeline Company (Concord Lateral Upgrade)
Recommendation Regarding Confidential Treatment

Dear Ms. Howland:

The Company has filed two motions for protective order and confidential treatment. At hearing, Staff requested that the Company provide additional support for confidential treatment of certain discovery responses listed in the motion filed on February 13, 2008. The responses in question relate to Henry Hub pricing and Dracut pricing data (2-27), propane pricing data (2-28), and certain monthly natural gas settlement prices (Tech 2-1). The Commission requested that the Company, Staff and OCA make a written recommendation about whether confidential treatment should be accorded to the responses mentioned by Staff.

The Company sent Staff a letter dated February 25, a copy of which is attached, addressing the matter in part. (It should be noted that the letter mentions daily effective degree day data for Manchester. As mentioned at hearing, Staff believes that the Commission has granted confidential treatment for such data in the past, as it is non-public information in which the provider has a proprietary interest.) Staff asked the Company whether the pricing information listed above is publicly available, notwithstanding that the Company obtained it subject to copyright and/or contracts from third party providers. The Company has informed Staff that although some Henry Hub, propane and monthly natural gas settlement pricing information is publicly available, the pricing information which the Company obtained from the third party providers and included in the discovery responses is more extensive and comprehensive than the publicly available information. In addition, the Company has informed Staff that the

Dracut pricing information is not publicly available. Based on these representations, Staff believes that sufficient grounds exist for the Commission to grant the motions. The OCA does not object to Staff's position.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Edward N. Damon". The signature is written in a cursive style with a large, stylized "E" and "D".

Edward N. Damon
Staff Attorney

cc Service List

McLane

**McLane, Graf,
Raulerson &
Middleton**

Professional Association

100 MARKET STREET • SUITE 301 • P.O. BOX 459 • PORTSMOUTH, NH 03802-0459
TELEPHONE (603) 436-2818 • FACSIMILE (603) 436-5672

SARAH B. KNOWLTON
Direct Dial: (603) 334-6928
Internet: sarah.knowlton@mcclane.com

OFFICES IN:
MANCHESTER
CONCORD
PORTSMOUTH

February 25, 2008



Via Electronic and First Class Mail

Edward N. Damon, Esquire
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

**Re: DG 07-101 EnergyNorth Natural Gas, Inc. d/b/a KeySpan Energy Delivery
New England – Concord Lateral**

Dear Mr. Damon:

I am writing in follow up to the discussion about the Company's February 13, 2008 Motion for Protective Order and Confidential Treatment at the February 14, 2008 hearing in the above-captioned proceeding. Specifically, you inquired about the basis for the Company's request for confidential treatment of the following information: (1) daily effective degree day data for Manchester, NH; (2) daily and monthly Henry Hub pricing; and, (3) time-series Platt's/Inside FERC monthly settlement prices.

By way of background, the Company obtains all three types of information from third party vendors based on written contracts to purchase the data. The following is a summary of the material contract terms for the OPIS Energy and Platt's contracts. We are in the process of obtaining a copy of the contract with DTN Meterologix for daily effective degree day data, and believe that contract contains similar terms. In the interest of time, I wanted to update you on the two contracts below.

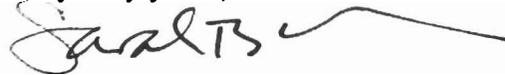
Daily and Monthly Henry Hub Pricing: The Company purchases this information from OPIS Energy Group. The contract for the data provides, in relevant part, that the distribution of the information "is limited to 1 User of the LIM system at the Brooklyn, NY location. Additional distribution is strictly prohibited without prior consent." The contract further provides that "OPIS owns and reserves any and all copyright, proprietary and other rights in and to the OPIS information furnished hereunder and the contents thereof. Distribution is strictly limited to terms stated above."

Time-Series Platt's/Inside FERC Monthly Settlement Prices: The Company purchases this information from Platt's under a contract. Section 1(A) of the contract grants the Company a non-transferable limited license to allow only Authorized Users to access and use the information provided under the contract. "Authorized User" is defined as "an employee of Subscriber authorized by Platts (or by Subscriber's System Administrator as permitted in the applicable Services Attachment)..." Section 1(C) of the contract further provides that "[o]nly those entities that are expressly named in the applicable Services Attachment shall have access to or use of the Service described in the Services Attachment. Subscriber shall not provide access to the Service(s) or any portion thereof to any person, firm or entity other than as authorized in the applicable Services Attachment, including, without limitation, any entity that is affiliated with Subscriber and not specifically identified in the applicable Services Attachment. Except as may be specifically provided for in a Services Attachment, the Service(s) shall be used exclusively for Subscriber's own internal business." The Services Attachment identifies the Authorized Users by name, all of which are employees of the Company. The Company is further required by Section 1(C) to prevent unauthorized access to the Service(s) and to take reasonable steps to protect Platts' proprietary rights.

I would also note that neither of these contracts provide for release of the purchased information for regulatory purposes. Based on the contract terms described above, the Company is not authorized to publicly disclose the purchased information and is obligated to take steps to protect the vendors' proprietary interests in the data. We believe that these legal obligations form a sufficient basis for the Company's assertion of confidentiality in the Motion.

I hope this addresses your questions. I would be glad to discuss this with you.

Very truly yours,



Sarah B. Knowlton

cc: Service List (by electronic mail)
Thomas P. O'Neill, Esq.

STEVEN V. CAMERINO
MCLANE GRAF RAULERSON & MIDD
11 SOUTH MAIN ST STE 500
CONCORD NH 03301

STEPHEN R ECKBERG
OFFICE OF CONSUMER ADVOCATE
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301

MEREDITH A HATFIELD
OFFICE OF CONSUMER ADVOCATE
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301

SARAH KNOWLTON
MCLANE GRAF RAULERSON & MIDD
100 MARKET ST STE 301
PORTSMOUTH NH 03801

ANN LEARY
KEYSPAN ENERGY DELIVERY NEW E
52 2ND AVE
WALTHAM MA 02451-1127

LEO SILVESTRINI
KEYSPAN ENERGY DELIVERY NE
52 SECOND AVE 4TH FLR
WALTHAM MA 02451

KEN E TRAUM
OFFICE OF CONSUMER ADVOCATE
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301-2429

Docket #: 07-101 Printed: February 29, 2008

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WITH THE EXCEPTION OF DISCOVERY, FILE 7 COPIES (INCLUDING COVER LETTER) TO:**
DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
21 SOUTH FRUIT STREET, SUITE 10
CONCORD NH 03301-2429

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DIRECTLY WITH THE FOLLOWING STAFF

RATHER THAN WITH THE EXECUTIVE DIRECTOR

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21 SOUTH FRUIT ST, SUITE 10
CONCORD NH 03301-2429

BULK MATERIALS:

Upon request, Staff may waive receipt of some of its multiple copies of bulk materials filed as data responses. Staff cannot waive other parties' right to receive bulk materials.

EDWARD DAMON
NHPUC
21 SOUTH FRUIT ST, SUITE 10
CONCORD NH 03301-2429

STEPHEN FRINK
NHPUC
21 SOUTH FRUIT ST, SUITE 10
CONCORD NH 03301-2429

GEORGE MCCLUSKEY
NHPUC
21 SOUTH FRUIT ST, SUITE 10
CONCORD NH 03301-2429

ROBERT WYATT
NHPUC
21 SOUTH FRUIT ST, SUITE 10
CONCORD NH 03301-2429

AMANDA NOONAN
CONSUMER AFFAIRS DIRECTOR
NHPUC
21 SOUTH FRUIT ST, SUITE 10
CONCORD NH 03301-2429